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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,135	01/26/2001	Michael Scott Baldwin	BALDWIN 4-2-53-5	7086

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EXAMINER
MEUCCI, MICHAEL D

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 February 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _26 January 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Action is in regards to the Amendment and Request for Reconsideration

received on 03 August 2004.

Drawings

2.   New corrected drawings in compliance with 37 CFR 1.121(d) are required in this

application because the figures (particularly Figure 2) contain illegible text and are not of

sufficient quality as to permit examination. Applicant is advised to employ the services

of a competent patent draftsperson outside the Office, as the U.S. Patent and

Trademark Office no longer prepares new drawings. The corrected drawings are

required in reply to the Office action to avoid abandonment of the application. The

requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz in

view of Crocker (RFC 822), hereinafter referred to as Crocker.

Kronz teaches transmission and reception of electronic mail with a reliable byte-

stream transport (lines 38-39 of column 19); and the steps: transmitter connecting to

receiver (lines 20-22 of column 19); receiver sending a greeting to the transmitter (lines 32-36 of column 14 and lines 30-34 of column 19); transmitter replying the receiver with a greeting (lines 23-39 of column 19); receiver replying the transmitter with status (lines 35-38 of column 19); transmitter receiving envelope status and sending message (lines 32-34 of column 19); and the receiver receiving message and replying the message status (lines 36-38 of column 19).

Kronz does not explicitly disclose the step of the transmitter replying the receiver with an envelope. However, Crocker teaches: "In this context, messages are viewed as having an envelope and contents," (section 1.1, paragraph 2, lines 1-2).

It would have been obvious for on of ordinary skill in the art at the time of the applicant's invention to have the transmitter reply the receiver with an envelope. "The envelope contains whatever information is needed to accomplish transmission and delivery. The contents compose the object to be delivered to the recipient. This standard applies only to the format and some of the semantics of message contents. It contains no specification of the information in the envelope. However, some message systems may use information from the contents to create the envelope. It is intended that this standard facilitate the acquisition of such information by programs." (section 1.1, paragraphs 2-3 in Crocker). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the transmitter reply the receiver with an envelope in the system as taught by Kronz.

5.   Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as

applied to claim 1, in view of Skeen et al. (U.S. 5,257,369) and Holmes et al. (U.S.

6,134,432).

Kronz teaches the receiver receiving a complete message (lines 52-54 of column

13 in Kronz), but does not explicitly disclose the receiver discarding record of the status

of the previous message as being in transit, and the transmitter sending a new envelope

without a greeting to the receiver.

However, Skeen et al. and Holmes et al. disclose the constraints respectively:

- Skeen et al. discloses flushing the retransmit buffer once all packets have been

successfully received, thereby discarding records of message as being in transit (lines

1-5 of column 6 in Skeen et al.).

- Holmes et al. disclose the client, once authenticated, proceeding with message

submission until either side terminates the session (lines 26-28 of column 15 in Holmes

et al.) and thereby not sending a new greeting. Transmission of a new envelope is

inherent since different messages can contain different header information (lines 24-25

of column 15 in Holmes et al.).

One of ordinary skill in the art at the time of the applicant's invention would have

clearly recognized that it is quite advantageous for the protocol of Kronz to discard

records of the status of the previous message as being in transit. Discarding records of

the status of the previous message as being in transit will make room for information of

the next message (lines 4-5 of column 6 in Skeen et al.).   It is for this reason that one

or ordinary skill in the art would have been motivated to discard records of the status of

the previous message as being in transit in the system of Kronz-Crocker.

One of ordinary skill in the art at the time of the applicant's invention would have

clearly recognized that it is quite advantageous for the protocol of Kronz to have the

transmitter send a new envelope without a greeting to the receiver. Sending a new

envelope without a greeting will allow the connecting host to proceed with message

submission until either side terminates the session, thereby reducing overhead for

sending and receiving the greeting for each message (lines 24-28 of column 15 in

Holmes et al.). It is for this reason that one or ordinary skill in the art would have been

motivated to have the transmitter send a new envelope without a greeting to the in the

system of Kronz-Crocker.

6.   Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-

Crocker as applied to claim 1.

Kronz teaches transmission and reception of electronic mail as carried over an 8-

bit channel (lines 27-29 of column 2).

7.   Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-

Crocker as applied to claim 1, in view of Fielding, R., "RFC 2068".

Kronz does not explicitly disclose imposing no line-length limits on the messages.

However, Fielding discloses the HTTP protocol as not placing any limit on the length of

a Uniform Resource Identifier (URI) (paragraph 4, page 15 of 127 in Fielding).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to impose no line-length limits on the messages as in Fielding. Servers must be able to handle the URI of any resource they serve, and should be able to handle URIs of unbounded length (paragraph 4, page 15 of 127 in Fielding). It is for this reason that one of ordinary skill in the art would have been motivated to impose no line length in the system of Kronz-Crocker.

8.   Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-Crocker as applied to claim 1, in view of Yamasaki (U.S. 5,699,517).

Kronz does not explicitly disclose suppression of duplicate messages. However, Yamasaki discloses suppressing duplicate response (line 2 of column 9 in Yamasaki).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to include duplicate message suppression in order to avoid transmission of response messages having the same response information data on the network in a duplicate manner (lines 4-6 of column 9 in Yamasaki). It is for this reason that one of ordinary skill in the art would have been motivated to include message in the system of Kronz-Crocker

9.   Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-Crocker as applied to claim 1, in view of Richardson, Christopher (Google Group comp.os.linux.answers, 01/07/1998).

Kronz does not explicitly disclose implementing loop detection. However, Richardson discloses qmail supports host and user masquerading, full host hiding, virtual domains, null clients, list-owner rewriting, relay control, double-bounce recording, arbitrary RFC 822 address lists, cross-host mailing list loop detection, etc (lines 21-24, paragraph 1 of page 2 in Richardson).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to implement loop detection. Loop detection would limit the machine load (line 19, paragraph 1 of page 2 in Richardson). It is for this reason that one of ordinary skill in the art would have been motivated to implement loop detection in the system of Kronz-Crocker Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz as applied to claim 1, in further view of Elliott et al. (U.S. 5,764,241).

Kronz does not explicitly disclose not requiring carriage returns and line feeds in a message body. However Elliott et al. discloses ignoring carriage returns and line feeds (lines 9-10 of column 44 in Elliott et al.), which thereby makes them not required.

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to ignore carriage returns and line feeds so they can be used as token separators (lines 10-11 of column 44 of Elliott et al.). It is for this reason that one of ordinary skill in the art would have been motivated to not require carriage returns and line feeds in a message body in the system of Kronz-Crocker.

10.   Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-

Crocker as applied to claim 1, in view of Sriram (U.S. 5,463,620).

        Kronz does not explicitly disclose the transmission of data between transmitter

and receiver as being asynchronous. However, Sriram discloses the asynchronous

transfer mode (ATM) standard (lines 41-42 column 1).

        One of ordinary skill in the art at the time of the applicant's invention would have

clearly recognized that it is quite advantageous for the protocol of Kronz to utilize the

asynchronous transfer mode standard because it is able to handle many more diverse

kinds of traffic than the low-speed networks of the past (lines 41-43 of column 1). It is

for this reason that one of ordinary skill in the art would have been motivated to transmit

data between transmitter and receiver asynchronously in the system of Kronz-Crocker.

11.   Claims 9 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over

Kronz-Crocker as applied to claim 1, in view of Foster et al. (U.S. 5,583,993).

        Knonz does not explicitly disclose transmitter dropping connection with the

receiver if transmitter detects loss of synchronization and receiver dropping connection

with the transmitter if receiver detects loss of synchronization. However, Foster et al.

discloses reinitiating participation to reestablish synchronous communication (Abstract)

which implies that synchronous communication was lost and detected. Foster et al.

also discloses closing the view to terminate participation in the session (Abstract) and

therefore can be done by transmitter or receiver, whichever one detects loss of

synchronization.

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to have the transmitter/receiver that detects the loss of synchronization drop the connection with the other so time is not wasted with an unsynchronized connection in the system of Kronz-Crocker.

12.   Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Kronz-Crocker as applied to claim 1, in view of Freed, N. (RFC 2045, 1996).

Kronz does not explicitly disclose transmitting and receiving message as raw unconverted data. However, Freed discloses many media types, which could be usefully transported via email, are represented, in their "natural" format, as 8bit character or binary data (section 6, paragraph 1, lines 1-2).

One of ordinary skill in the art at the time of the applicant's invention would have clearly recognized that it is quite advantageous for the protocol of Kronz to transmit and receive messages as raw unconverted data because it (their natural format) is utilized by many media types (section 6, paragraph 1, lines 1-2). It is for this reason that one of ordinary skill in the art would have been motivated transmit and receive messages as raw unconverted data in the system of Kronz-Crocker.

Response to Arguments

13.   Applicant's arguments filed 17 February 2005 have been fully considered but they are not persuasive.

14.   Applicant's arguments for *all* claims discussed on pages 4-16 in Amendment

dated 17 February 2005 pertain to point (A) below.

15.   (A)   Applicant argues that Kronz-Crocker does not teach: "the transmitter

replying the receiver with a greeting and an envelope."

16.   As to point (A), the examiner respectfully disagrees. Kronz teaches the

transmitter replying the receiver with a greeting during the establishment of the data

connection. "As shown in FIG. 4, the use-command 400 may be issued by the client

device after it receives a response to a type-command 302; however, the use-command

400 may also be issued without first issuing and receiving a response to a type-

command," (lines 32-36 of column 14). The use-command is the greeting replied to the

receiver, from the transmitter, in response to the receiver sending a greeting to the

transmitter. Kronz does not explicitly disclose the transmitter sending an envelope with

the greeting to the receiver, however, Crocker discloses: "The envelope contains

whatever information is needed to accomplish transmission and delivery," (section 1.1,

paragraphs 2-3 in Crocker). This clearly shows that the envelope is necessary for

transmission and delivery of any message sent between the transmitter and the

receiver.

Conclusion

17.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Irribarren (U.S. 5,841,966) discloses a distributed messaging system with

envelopes and greetings.

Grauman (U.S. 6,707,472 B1) discloses a method of graphically formatting e-

mail message headers and envelopes and greetings.

18.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can

normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Rupal Dharia, can be reached at (571) 272-3880. The fax

phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than

those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the

applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the

application file. PTO employees do not engage in Internet communications where there

exists a possibility that sensitive information could be identified or exchanged unless the

record includes a properly signed express waiver of the confidentiality requirements of

35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy

published in the Official Gazette of the Patent and Trademark on February 25, 1997 at

1195 OG 89.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

19.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

KAMINI SHAH
PRIMARY EXAMINER